

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)	
)	
Legal and Statutory Framework for)	PS Docket No. 10-255
Next Generation 9-1-1 Services Pursuant to)	PS Docket No. 11-153
the Next Generation 9-1-1 Advancement)	PS Docket No. 12-333
Act of 2012)	
)	

**TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.; NATIONAL
ASSOCIATION OF THE DEAF;
ASSOCIATION OF LATE-DEAFENED ADULTS, INC.;
CALIFORNIA COALITION OF AGENCIES SERVING DEAF & HARD OF HEARING
PERSONS, INC.;
HEARING LOSS ASSOCIATION OF AMERICA;
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK;
CEREBRAL PALSY AND DEAF ORGANIZATION;
TECHNOLOGY ACCESS PROGRAM AT GALLAUDET UNIVERSITY**

Dated: December 13, 2012

INTRODUCTION

This document offers the perspective of consumer groups composed of the deaf and hard of hearing population in the United States on developing the national legal and statutory framework for Next Generation 9-1-1 (NG9-1-1) Services pursuant to The Next Generation 9-1-1 Advancement Act of 2012. Coordinated by Telecommunications for the Deaf and Hard of Hearing (TDI), this coalition consumer group includes representatives from Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), National Association of the Deaf (NAD), California Coalition of Agencies Serving Deaf & Hard of Hearing Persons, Inc. (CCADHH), Hearing Loss Association of America (HLAA), Association of Late-Deafened Adults, Inc.

(ALDA), Cerebral Palsy and Deaf Organization (CPADO), and Technology Access Program at Gallaudet University (TAP), collectively known as “Consumer Groups”.

The Consumer Groups offer comments on:

- The legal and regulatory framework for the development of NG9-1-1 services and the transition from legacy 9-1-1 networks to NG9-1-1;
- The legal mechanisms for ensuring efficient and accurate transmission of 9-1-1 caller information to emergency response agencies; and
- Some recommendations for removing jurisdictional barriers and inconsistent legacy regulations.

SUMMARY

The Consumer Groups urge the Commission to take the lead in establishing and mandating consistent standards and accessibility requirements for NG9-1-1. This will require the Commission to work to remove all necessary jurisdictional barriers and create a governing framework. Every American regardless of his or her disability has a right to easy and convenient access to emergency services no matter where in the country he or she lives or is visiting. The Consumer Groups also urge the Commission to make sure that the legal and statutory framework allows the Commission to ensure efficient and accurate transmissions of all NG9-1-1 service. We believe that the Commission is in the best position to lead the transformation to NG9-1-1 and this leadership is necessary to avoid inconsistency, confusion, waste, and barriers to accessing NG9-1-1.

LEGAL AND STATUTORY FRAMEWORK

In the past several years, we have witnessed an evolution in how public safety services communicate with the community. The 9-1-1 service will no longer be limited to a traditional

phone call, but will include advanced communications services such as electronic messages, SMS messages, video conferencing services, Real Time Text (RTT)¹ and more. The Consumer Groups would like to reiterate that both video conferencing services and RTT are essential for full accessibility of 9-1-1 services and must not be impeded or impaired by telecommunications providers.²

For these IP-based communications to successfully interact with devices and services used by consumers and be accessible to people with disabilities, it is crucial that the Commission take the lead in establishing and mandating consistent standards and accessibility requirements. The consumer group representatives believe that states and localities are ill-equipped to establish complicated and consistent telecommunications standards that will keep apace with ever changing communications technology. For NG9-1-1 to be successful, the Commission needs the highest level of jurisdiction and oversight in creating the legal framework that will modernize the telecommunications infrastructure and standards used for NG9-1-1 nationwide.

Public safety agencies such as police and fire departments routinely inform commuters of road closures due to police and fire activity through web updates and short messaging services (SMS). Wireless devices allow users to receive breaking news such as severe weather, imminent hazards, and even Amber Alerts. More and more businesses and government agencies interact with customers and other interested parties of developments through texting. Local transportation departments are able to text commuters with notifications of road closures.

These new services are being offered across the nation. Emergency access is no longer a one-

¹ http://en.wikipedia.org/wiki/Real-time_text

² <http://transition.fcc.gov/cgb/dro/4regs.html> **(5) Technology.** No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. Also refer to the EAAC recommendations P3.1 and T5.3 at <http://www.fcc.gov/document/eaac-report-and-recommendations>

way street but is now a communication web. These new offerings raise the expectations of consumers everywhere. But behind these promising developments lies a patchwork quilt of conflicting information from different jurisdictions where some provide a wide array of services while others provide limited services or even charge users for the same services offered free in neighboring jurisdictions.

In announcing the Commission's five-step plan for upgrading our 9-1-1 system, FCC Chairman Julius Genachowski noted that no single entity has overall jurisdiction on deploying NG9-1-1.

... We need to develop a NG9-1-1 governance framework. One of the biggest challenges facing NG9-1-1 deployment is that no single entity has jurisdiction. The FCC is working with other federal agencies and 9-1-1 authorities to create a governing framework that can get and keep everybody on the same page.³

The 21st Century Communications and Video Accessibility Act of 2010 (CVAA) touches on emergency access in a major way. CVAA mandated the establishment of the Emergency Access Advisory Committee (EAAC), which was tasked to study access issues to emergency services by people with disabilities. According to the first EAAC Report to Congress, the level and manner of state-level coordination of 9-1-1 services varies widely. In some states, 9-1-1 service is strictly a local matter, while other states have centralized their 9-1-1 programs or have otherwise established a statewide coordination mechanism, although their circumstances and authority vary widely. While the staffing of PSAPs and handling of 9-1-1 calls will generally remain a local function, certain aspects of transitioning to NG911 will require state-level

³ http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-309013A1.pdf

planning and implementation coordination.⁴

To ensure that every American has complete access to emergency services, the Commission needs to establish consistent standards and requirements that will apply to the entire country. We cannot afford to have different standards and NG911 services in different regions of the country. The Commission administers other programs that have set and successfully implemented nationwide communication standards, such as the telecommunications relay service (TRS). Originally mandated by Title IV of the Americans with Disabilities Act of 1990 (ADA),⁵ TRS operated individually in 50 states with funds collected from a surcharge on telephone bills within the state for all local and intrastate long-distance calls, while the National TRS Fund administered by the Commission supports interstate long distance calls.⁶ Yet, the migration to digital Internet based protocol (IP) relay services has led to the National TRS Fund becoming more and more used for all IP relay service calls, as well as video relay services (VRS), IP text relay, and IP captioned telephone relay services (IP-CTS).

We note that while TRS is a successful model of the Commission establishing and maintaining national communications standards, we do not endorse relay services as an accessible substitute for direct access. The Consumer Groups reiterate support for the EAAC recommendation of providing direct access to NG9-1-1. Under the successful Internet-based TRS program, users of the service have enjoyed options that did not exist before the transition. Not only do we have choices of who we select as our default provider, but the competition between providers brings out the best in services and creates employment opportunities for deaf and hard of hearing people in the communities where they live.

⁴ <http://eaac-recommendations.wikispaces.com/Chapter+4+Jurisdiction+Authority+and+Regulatory+Role>

⁵ <http://transition.fcc.gov/cgb/dro/title4.html>

⁶ <http://www.fcc.gov/encyclopedia/telecommunications-relay-services-rules>

Among 9-1-1 stakeholders, there is a consensus that the legal framework surrounding public safety needs to be upgraded to support sending and receiving multimedia digital information composed of voice, data and video to and from the emergency responder community.

The Consumer Groups support the recommendations provided by the EAAC, an advisory group chartered by the Commission in compliance with the CVAA. In part five of its report, the EAAC recommends that the Commission and the US Department of Justice (DOJ) coordinate their respective activities pursuant to the CVAA and the ADA regarding the requirements for access to individuals with disabilities to 9-1-1 emergency services so as to avoid confusion for stakeholders and improper or conflicting overlap in regulatory authority, and also with development of any regulations pursuant to Sections 106(c)(3) or (4) that pertain to enabling access to 9-1-1 emergency services to individual with disabilities.

The Consumer Groups also support the EAAC recommendation that the Commission and the DOJ adopt rules to ensure that individuals with disabilities calling NG9-1-1 have the same privacy, security, and monitoring safeguards and evidentiary records as individuals without disabilities who call NG9-1-1.⁷

Implementing these initiatives will provide a myriad of benefits to consumers everywhere, to industry stakeholders nationwide, and to the Commission. Uniformity of 9-1-1 services across jurisdictions will instill confidence in the community when people can trust that the emergency services they receive while traveling will be just as good as what they can expect to receive at home. When every PSAP has been trained to handle incoming text and video calls, deaf and hard of hearing people will receive better service not only at home or work, but also

⁷ <http://www.fcc.gov/document/eaac-report-and-recommendations>

when in transit anywhere in the country. The Commission and other government stakeholders such as the DOJ will benefit from greater efficiency and reduced administrative workload.

Standardization will allow all industry and public safety stakeholders to deal with one nationwide system, rather than numerous cities, counties and states, each with their own set of policies and procedures. Local level efficiency will boost productivity in administration in state level as well as the federal level.

ENSURING EFFICIENT AND ACCURATE TRANSMISSIONS

The Consumer Groups concur with the survey conducted by the EAAC.⁸ One of the questions asked survey takers how important it is that they are able to call 9-1-1 using the same device that they use for routine communications with family, friends and coworkers every day. Out of 3,149 responses, nearly 83% rated this feature as very important.⁹ A crisis is not the time to learn how to use a new device; people must be able to rely on devices that are familiar to them and easy to use.

The Consumer Groups endorse EAAC technical recommendations to support high quality data exchange directly between callers and the NG9-1-1 infrastructure.¹⁰

Just as Title IV in the ADA has encouraged and fostered growth and innovation in the TRS industry, investments in the 9-1-1 industry will bring about innovations and efficient allocation of resources. When all equipment and industry practices are standardized under a federally operated program, funding will become more predictable and reliable.

REMOVING JURISDICTIONAL BARRIERS

⁸ <http://transition.fcc.gov/cgb/dro/EAAC/EAAC-REPORT.pdf>

⁹ Question #23 Page 30 <http://transition.fcc.gov/cgb/dro/EAAC/EAAC-REPORT.pdf>

¹⁰ Recommendation T2.5: Minimum Required Set of Codecs and Transport Protocols for IMS Multimedia Subsystems <http://www.fcc.gov/document/eaac-report-and-recommendations>

The Consumer Groups believe that for all NG9-1-1 calls there should be interpreters available to translate the call between people who use languages other than English, those who are deaf, hard of hearing, or speech-disabled and the dispatcher. Under the TRS scenario, the interpreter is required to disconnect from the call once the emergency responders arrive because he or she ceases to be a communications assistant and becomes a remote interpreter for any video (VRI), audio, or text that conflicts with the purposes of TRS.

A key goal of NG9-1-1 is the capability to engage in combinations of video, audio, and real-time text calls (“Total Conversation”) that involves three-way calls between the caller, the 9-1-1 dispatcher, and an interpreter. A specific instance of this scenario is to have a split screen on a computer or video phone where the caller can view the 9-1-1 dispatcher and a sign language interpreter simultaneously, but the same concept applies to any form of interpretation for the deaf, hard of hearing, and speech-disabled. We urge the Commission to ensure that the infrastructure can support the requirements of three-way NG9-1-1 telecommunications between the caller, the PSAP and the sign language assistance service, or analogous services that provide interpretation.

Under the NG9-1-1 scenario, the sign language interpreter (or any other translator) would be hired and trained by the 9-1-1 facility and summoned to assist with any video call as needed. This is possible with a nationwide NG9-1-1 network that allows a center or several regional centers to host banks of interpreters for people who are deaf, hard of hearing or deaf-blind, or those with motor disabilities to call for help. This service can also be extended to non-English speaking people in the United States to receive equal access to emergencies.

The Consumer Groups suggest that sign language assistance and other types of interpreter services be under the authority of the public safety entities who can hire and train interpreters to

work with dispatchers, and then with responders when they arrive to the scene of an emergency. The legal framework should allow PSAPs to summon interpreters to assist with any call where a language barrier exists.

In many states with tight revenue projections, legislatures may be tempted to raid funds dedicated for state TRS and local 9-1-1 services and use them for unrelated purposes.¹¹[11] The Consumer Groups strongly urge standardization in training and streamlining accessibility requirements as a way to bring 9-1-1 services into the 21st Century.

CONCLUSION

We urge the Commission to explore new ways to build upon the strengths of current legislation and regulations while addressing shortcomings in accessibility. Millions of people, whether they are deaf, hard of hearing, deaf-blind, or have motor or speech disabilities, have a legitimate expectation today as a civil right that 9-1-1 services be fully accessible to them, regardless of what communication mode they use.

Respectfully submitted

/s/

Claude L. Stout

Dated: December 13, 2012

¹¹ Kansas - <http://www.jsicapitaladvisors.com/monitors/2012/2/16/kansas-state-universal-service-fund-on-legislative-chopping.html>; Alabama - http://blog.al.com/spotnews/2011/04/alabama_phone_fund_for_deaf_ma.html;

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